

Tiny Homes Factsheet

Tiny homes are becoming increasingly popular with people often seeing them as eco-friendly and budget-friendly alternatives to a traditional house. They are generally bespoke, purpose built or modified structures to provide extra family accommodation, residential accommodation (including rental accommodation) or holiday accommodation for visitors and may be temporary or permanent.

There is generally no single answer to the question “what is a tiny home?” because of their custom-build nature. They tend to have the same fundamental features of a traditional dwelling but on a much smaller scale, and can include:



Converted trailers, such as horse transporters



Converted shipping containers



Purpose-built constructions



Campervans, caravans, etc.

Although there is no clear definition for what a tiny home is, they can generally be separated into two categories: those built with wheels, and those fixed to the land.

If you are considering constructing or purchasing a tiny house to be located in the Queenstown Lakes District, we’ve prepared this factsheet to help you understand the legal requirements and the approach of Queenstown Lakes District Council.

This factsheet doesn’t constitute legal or planning advice and we recommend you contact a QLDC Duty Planning Officer to discuss your proposal. However, there are two pieces of legislation we must consider when advising on your tiny home plans: The Building Act (Building Code) and the Resource Management Act (which relates to the District Plan).

Please note: As Queenstown Lakes District Council (QLDC) is undergoing a District Plan review, we are required to consider both the Operative District Plan (old) and the Proposed District Plan (new) in instances where a relevant rule is under appeal.



Frequently Asked Questions

HOW BIG CAN A TINY HOME BE?

If a tiny home is built on wheels or designed to be transported on a trailer, the building's maximum dimensions are 2.5m wide by 4.25m high (from the ground) by 12.5m long, to avoid needing a special permit. The tiny home's weight must not exceed 3.5 tonnes.

If a tiny home is fixed to the land, maximum dimensions do not exist. Naturally, the bigger you build a tiny home, the less 'tiny' the home becomes.

IS MY TINY HOME A VEHICLE OR A BUILDING?

For a tiny home to be a vehicle, it must have the characteristics of a vehicle and durability of construction in terms of its capacity to be used as a vehicle. Just because a structure has some features of a vehicle, such as wheels, this does not make it a vehicle for the purposes of the Building Act. The distinction between a 'building that is moveable' and a 'vehicle' is that a vehicle is used for transporting people or goods or must be powered by some form of combustion engine or self-propulsion. A vehicle does not need to be registered and warranted for the road to still be a vehicle, however that is a good indication that it is intended to remain a vehicle.

In some cases, your tiny home could be both a vehicle and a building. In this case the Building Act and Building Code both apply. There are MBIE¹ determinations and court decisions on the vehicle or building question, and determination 2016/011² includes a useful decision tree on the matter. However, each decision regarding whether a vehicle is a building or not must be considered on its individual merits.

I WANT TO USE MY TINY HOME FOR SHORT TERM ACCOMMODATION. CAN I?

Yes, you can. There is no difference in the application of Council rules in terms of short-term accommodation in tiny homes. However, you must register your intention to use your tiny home this way and advise us what level of visitor activity you are planning for. Visit our website for more information www.qldc.govt.nz/services/rates-property/short-term-accommodation

HOW LONG CAN I LIVE IN MY TINY HOME ON A SPECIFIC PIECE OF LAND OR SITE?

This will depend on the location and how the tiny home is assessed under the District Plan and Building Act.

IS THERE ANY DIFFERENCE IN THE APPLICATION OF COUNCIL RULES IF A TINY HOME IS ON LAND OWNED BY THE TINY HOME OWNER, OR ON LAND RENTED FROM SOMEONE ELSE?

No. There is no difference in the application of Council rules in terms of whether someone's tiny home is on land they own, or if it is on land rented from someone else.

WHAT RULES DO RELATE TO TINY HOMES IN THE QUEENSTOWN LAKES DISTRICT?

While QLDC has no specific bylaw or policy relating to tiny homes, each structure is assessed under the Building Act and within the District Plan.

It is important to note that unlike the Building Code where it is consistent nationwide, the Resource Management Act requires Councils to prepare their own District Plans. This means that every district may have different rules in relation to tiny homes.

Zoning is used as a key mechanism to control the use of land. There are a number of different zones throughout the district, which provides for different types and scales of development and uses.

A building is defined under the District Plan as any structure which exceeds 5m² or 2 metres in height. It is likely that a tiny home will exceed those dimensions, and is therefore subject to District Plan standards for buildings (e.g. setback, height, recession plane, and in rural zones – building colours).

Please note: unlike the Building Act, the Proposed District Plan also considers any vehicle, trailer, tent, marquee, shipping container, caravan or boat which is fixed or moveable, for the purpose of residential accommodation for more than two months to be a building. Therefore, having wheels on a tiny home does not mean that it cannot be classed as a building.

¹ Ministry of Business, Innovation and Employment

² www.building.govt.nz/resolving-problems/resolution-options/determinations/determinations-issued/determination-2016-011

QLDC PROPOSED DISTRICT PLAN DECISIONS VERSION (APR 2021)

Building definitions

Shall have the same meaning as the Building Act 2004, with the following exemptions in addition to those set out in the Building Act 2004:

- fences and walls not exceeding 2m in height
- retaining walls that support not more than 2 vertical metres of earthworks
- structures less than 5m² in area and in addition less than 2m in height above ground level
- radio and television aerials (excluding dish antennae for receiving satellite television which are greater than 1.2m in diameter), less than 2m in height above ground level
- uncovered terraces or decks that are no greater than 1m above ground level
- the upgrading and extension to the Arrow Irrigation Race provided that this exception only applies to upgrading and extension works that involve underground piping of the Arrow Irrigation Race
- flagpoles not exceeding 7m in height
- building profile poles, required as part of the notification of Resource Consent applications
- public outdoor art installations stied on Council owned land
- pergolas less than 2.5m in height either attached or detached to a building

Notwithstanding, the definition set out in the Building Act 2004, and the above exemptions a building shall include:

- any vehicle, trailer, tent, marquee, shipping container, caravan or boat, whether fixed or moveable, used on a site for a residential accommodation unit for a period exceeding 2 months

It's also important to note that parking standards and development contributions **do apply** to tiny homes, even in higher density zones.



Considerations under the Resource Management Act

DOES MY TINY HOME NEED A RESOURCE CONSENT?

Depending on the zone, you may need to apply for a resource consent. Some zones allow residential flats for gentle intensification as long as you comply with site/zone standards (i.e. setbacks, heights etc.). However, in some other areas a resource consent will be required and therefore it is important to check the rules of the District Plan and which zone you are located in before you proceed.

As noted above, please check the definitions of 'Residential Flat' in the Operative District Plan and Proposed District Plan, and our GIS web mapping application for zoning.

CAN I PUT A TINY HOME ON AN EMPTY SECTION OF LAND THAT I OWN?

The District Plan has no specific controls for a tiny home, and the controls which apply are generally the same as for a standard residential building.

If the tiny home will be the only dwelling on the site, it will be considered as a 'residential unit' under the District Plan.

Residential unit

Means a residential activity which consists of a single self contained household unit, whether of one or more persons, and includes accessory buildings. Where more than one kitchen and/or laundry facility is provided on the site, other than a kitchen and/or laundry facility in a residential flat, there shall be deemed to be more than one residential unit.

The tiny home may qualify as a residential flat, subject to meeting the definitions found in the Operative District Plan or Proposed District Plan.

Please note: the definitions of 'Residential Flat' in the Operative District Plan and Proposed District Plan are different and there are some areas in the district which are still zoned under the Operative District Plan. We advise that you check Council's GIS web mapping application for your property's correct zone.

To check the zoning of a particular site, go to QLDC's GIS web mapping application:
qldc.maps.arcgis.com

WHAT IF I'VE RELOCATED MY TINY HOME TO A NEW, PERMANENT PIECE OF LAND?

The District Plan manages relocated buildings by requiring a building to be located on permanent foundations within two months of the building being delivered on site.

However, relocated buildings are only applied to buildings which have been previously established permanently on a site, and then relocated to a different site.

QLDC's interpretation is that the relocated buildings rule does not apply to new build residential units that are purpose-built for relocation and then transported (in part or whole) and established for a site.

For instance, the following are not considered as a relocated building:

- A new residential unit built in a factory and transported to a vacant site (in sections or as a whole).
- A new residential unit built as part of a charity fundraising event, or as part of an educational/training course that is then relocated onto a vacant site.

Therefore, if your tiny home has already been established permanently on another site, and then moved to a new piece of land permanently then it can be considered as a relocated building.

WHAT IF I WANT TO USE A TINY HOME NEXT TO OTHER RESIDENTIAL FLATS ON THE SAME LAND OR SITE?

The District Plan can classify secondary residential activity on the same site as a residential flat.

In some zones, one residential flat per site is permitted to allow for gentle intensification. However, a residential unit may only have a maximum of one residential flat associated with it, and therefore any additional self-contained unit may require a resource consent. At this current time, all residential buildings in the rural zone require a resource consent because of the importance to protect the rural landscapes in the district.

In most cases, 'Residential Flats' (a second residential activity onsite) require Development Contributions.

Definitions

OPERATIVE DISTRICT PLAN DEFINITION OF A RESIDENTIAL FLAT

Means a residential activity that:

- consists of no more than one flat in the same ownership as the residential unit; and
- is contained within the same residential unit; and
- if attached to a detached accessory building does not cover more than 50% of the total Gross Floor Area of the building containing the flat and detached accessory building; and
- contains no more than one kitchen and one laundry; and
- does not cover more than 35% of the total Gross Floor Area of the building(s) containing the residential unit and flat (but excluding accessory buildings).

PROPOSED DISTRICT PLAN DEFINITION OF A RESIDENTIAL FLAT

Means a residential activity that comprises a self-contained flat that is ancillary to a residential unit and meets all of the following criteria:

- a. the total floor area does not exceed;
 - i. 150m² in the Rural Zone, the Rural Lifestyle Zone and the Wakatipu Basin Rural Amenity Zone;
 - ii. 70m² in any other zonenot including in either case the floor area of any garage or carport
- b. contains no more than one kitchen facility
- c. is limited to one residential flat per residential unit; and
- d. is situated on the same site and held in the same ownership as the residential unit.

Note: A proposal that fails to meet any of the above criteria will be considered as a residential unit.

Considerations under the Building Act and Building Code

WHEN DOES THE BUILDING CODE APPLY?

The Building Code applies where a tiny home is a 'building', i.e., when it is determined that it is not a vehicle or is both a vehicle and a building. So, the Building Code does not apply when your tiny home is determined to be only a vehicle as discussed above.

DOES MY TINY HOME NEED A BUILDING CONSENT?

If it remains a vehicle and stays either mobile or not used on a long-term basis then a building consent is not required.

When building work that requires a building consent takes place, that consent is required before the work starts. Each application for building consent is assessed on its own merits and it is the responsibility of the designer to prepare plans that demonstrate how the work will comply with the Building Code.

If the building has been constructed in another district, a building consent and code compliance certificate should be obtained before relocation, with a separate consent at QLDC for foundations and services. Alternatively, you may contact QLDC's Building Services team to seek approval for a single consent from Council with remote inspections.

The Council needs to be careful not to supplant the role of the designer so is limited to how much guidance can be given.

You can check if your tiny home will need a building consent at buildit.govt.nz

MY TINY HOME IS NOT A BUILDING, BUT IT'S PARKED ON A SITE AND I WANT TO CONNECT TO SERVICES. WHAT SHOULD I DO?

If a vehicle is parked on a site and to be connected to services by an easily disconnected means, the services themselves will need building approval and are required to comply with the Building Code. This will generally include a water supply and a sewer connection. If, for example, a gully trap is to be installed to collect foul water, that gully trap will need to include a means of charging so that the trap does not dry out, even if the tiny home is not there. A simple way of achieving this is to place a hose tap above the gully trap. The drain line will also need to be vented and there are many variables to how this can be achieved.

If a toilet is to be discharged, a quick-disconnect system (as would be expected in a campground for caravans or motorhomes) will be needed.

Building Code compliance

The Building Code itself is performance-based and reasonably easy to use. Where some people struggle is in thinking that the Acceptable Solutions are Building Code requirements, whereas they are only one way of meeting the Code. For a tiny home, it is often beneficial for the designer to obtain a consent with alternative solutions.



POWER CONNECTIONS

The Building Code provisions for electricity (G9) are primarily based on any electrical installation being safe. This also applies to gas (G11). Electricians and gasfitters are self-certifying.



WATER USE / CONNECTION TO TOWN WATER SUPPLY

Building Code clause G12 for water supplies does not specify that a house needs to connect to the public supply. However, a potable water supply will be required for human consumption, food preparation, utensil washing and oral hygiene for the building to be sanitary. Any non-potable supply needs to be clearly separated and marked.



WASTEWATER DISPOSAL / CONNECTION TO SEWERAGE SYSTEM

Building Code clause G13 requires that if a sewer system is available then water-borne foul water needs to discharge to it.



COMPOSTING TOILETS

These do not use a water-borne drainage system so are not specifically required to be connected to a public drain. There is currently no Acceptable Solution to the Building Code for composting toilets, and it is the applicant's responsibility to demonstrate compliance with the performance requirements of the Code. Although it is not referenced as a means of complying with the Building Code, there is an Australian/New Zealand Standard that designers may find useful: **AS/NZS 1546.2:2008**



INSULATION

The Building Code requirements for energy efficiency (H1) only apply where the energy is sourced from a network utility operator (i.e. a power company) or when it is from a depletable energy source (e.g. LPG, diesel etc.). If H1 does not apply, then the insulation can be to a lower standard but still must be sufficient to prevent condensation.



STAIRS AND BARRIERS

Key areas of non-compliance that can be seen in many tiny homes is the lack of handrails to stairs and inadequate barriers to stop people (in particular children) from falling. The Building Code requirements for stairs and barriers are not particularly onerous if a designer considers those requirements carefully and justifies the reasons for the solutions they propose.



IS THERE A COUNCIL STRATEGY FOR TINY HOMES?

From a building consent perspective, a tiny home (where it is decided that it is a building) is treated like any other building. The New Zealand Building Code does not have different requirements for a tiny home, and any changes to the Building Act or Building Code will be led by central government.



Summary

There are many variables with each situation which makes it difficult to provide one single answer that covers all tiny home situations. It is the role of the designer to assess the specifics and propose a means of compliance. The Building Act and the District Plan may have different definitions of what a building is, as their purposes differ. Whether a tiny home has an impact on the environment (and neighbours in particular) is quite a different question from whether it meets minimum standards for safety, sanitation and amenity.

To contact a QLDC Duty Planner, refer to www.qldc.govt.nz/services/resource-consents#contact-us

Alternatively:

- drop by our offices at 74 Shotover Street, Queenstown or 47 Ardmore Street, Wānaka to chat with a Duty Planner between 10.00am and 2.00pm on weekdays
- call us anytime between 8.00am and 5.00pm on 03 441 0499